

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**BLUE CROSS BLUE SHIELD OF
MICHIGAN,**

Plaintiff/Counter-Defendant,

v.

BOND PHARMACY, INC.,

Defendant/Counter-Plaintiff.

Case No. 21-10076

Hon. Denise Page Hood

**ORDER MOOTING MOTION TO DISMISS
COUNTS III AND IV OF COUNTERCLAIM**

On May 24, 2024, Plaintiff/Counter-Defendant Blue Cross Blue Shield of Michigan filed a Motion to Dismiss Counts III and IV of Defendant/Counter-Plaintiff Bond Pharmacy Inc.'s Counterclaim. (ECF No. 48) Bond Pharmacy filed an Amended Counterclaim on June 14, 2024. (ECF No. 53) Because an amended complaint supercedes all prior complaints, Blue Cross's Motion to Dismiss is rendered moot. "As a general rule, when a plaintiff files an amended complaint, the amended complaint supercedes the original, the latter being treated thereafter as non-existent." *Ramirez v. Collier*, 595 U.S. 411, 423 (2022) (quoting, *Rhodes v. Robinson*, 621 F.3d 1002, 1005 (9th Cir. 2010)). *See, Parry v. Mohawk Motors of Michigan, Inc.*, 239 F.3d 299, 306 (6th Cir. 2000) (When an amended complaint is filed, the new complaint supersedes all previous

complaints and controls the case from that point forward.)(citation omitted).

Accordingly,

IT IS ORDERED that Blue Cross Blue Shield of Michigan's Motion to Dismiss Count III and Count IV (**ECF No. 48**) is rendered MOOT. The motion hearing set for July 17, 2024 is canceled.

s/Denise Page Hood

DENISE PAGE HOOD

United States District Judge

DATED: June 21, 2024